

UNITED STATES DISTRICT COURT
Northern District of California

Willie Lee Mitchell
Plaintiff in Propria Persona,

No. C 07-4388 CW

v.

OAK HARBOR FREIGHT LINES,
Defendant(s).
INC.,

**DECLARATION IN SUPPORT OF
APPLICATION FOR ASSISTED
SETTLEMENT CONFERENCE**

I, Willie Lee Mitchell, am the plaintiff in this case and apply for placement of this case into the court's Assisted Settlement Conference program. In support of this application, I declare as follows:

1. REPRESENTATION. I am not represented by an attorney and no attorney has made an appearance for me in this case.

2. INFORMATION. I have read and considered materials provided about the court's Assisted Settlement Conference Program. I understand the Program involves the court's reference of this case into court-annexed Settlement Conference as part of the Court's Multi-Option ADR Program.

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3 3. Settlement Conference. I have decided to seek a court-annexed Settlement Conference in
4 this case in order to seek a mutually satisfactory agreement resolving all or part of the dispute
5 underlying this case, by exploring not only the relevant evidence and law, but also the parties'
6 underlying interests, needs and priorities. I understand this exploration of litigant needs and interests
7 may be formally independent of the legal issues in controversy in this case. I believe my
8 participation in a Settlement Conference would be facilitated if I received assistance in participating
9 in such a Settlement Conference.

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11 4. ASSISTED SETTLEMENT CONFERENCE. I understand that if this case is referred into
12 Assisted Settlement Conference, I will be offered the assistance of Settlement Conference counsel to
13 help me prepare for, participate in, and pursue follow-up to, a court-annexed Settlement Conference
14 session. I also understand that the role of Settlement Conference counsel is only to educate and
15 assist my preparation for, participation in and follow-up to the Settlement Conference session.

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17 5. LIMITED ASSISTANCE. I understand that Settlement Conference counsel may only help
18 my participation in the Settlement Conference by educating and assisting me. Accordingly, I:

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20 a. Understand that the Settlement Conference counsel will provide no other
21 service of any kind in this case, without prior written authorization by the
22 court to do so.
- 23 b. Agree that the scope of the Settlement Conference counsel's duties to me will
24 extend no further than is necessary to educate me and assist me to prepare for,
25 participate in, and follow up on the court-annexed Settlement Conference.
- 26 c. Acknowledge that Settlement Conference counsel's responsibility to help
27 educate me about the process will not involve any control of the case or the
28 Settlement Conference.
- d. Acknowledge and agree that Settlement Conference counsel will not analyze
my overall legal needs, conduct independent investigation of my case, or

1 represent me in such matter.

2 e. Understand that Settlement Conference counsel will not advise me about the
3 need to contact other counsel for purposes of obtaining legal advice.
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5 6. PRO SE STATUS. I acknowledge that I continue to provide my own representation in this
6 case and in the Settlement Conference, and that Settlement Conference counsel will only assist and
7 educate me in this endeavor.
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9 7. NO CONTRACT. I understand and agree that I have no contractual relationship with
10 Settlement Conference counsel for legal or other services, and that I will enter no contract with
11 Settlement Conference counsel during the time this case is in the Assisted Settlement Conference
12 Program, absent a written order by the court permitting such a contract.
13

14 8. EXPERIMENTAL PROGRAM. I understand that Assisted Settlement Conference is an
15 experimental program. I have assessed the prospect of a Settlement Conference and acknowledge
16 that there is no foreseeable harm that I will suffer in the failure of the Settlement Conference to
17 resolve the case, improve case management, enhance party satisfaction or understanding of the case,
18 or to achieve any other goals of a Settlement Conference.
19

20 9. EVALUATION. I agree to participate in the evaluation of the Assisted Settlement
21 Conference Program, and to allow any person authorized by the Court to evaluate the Program to
22 attend the Settlement Conference session, all court proceedings concerning the Assisted Settlement
23 Conference Program, and any preparatory or follow-up meetings for the Settlement Conference. I
24 further consent to Settlement Conference counsel's responding to any inquiries about the case from
25 any such person authorized by the Court to evaluate the Program..
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10. I confirm that I have carefully considered the limited assistance provided by the Assisted Settlement Conference Program and confirm that my decision to apply to enter the program is made knowing the limited role to be played by Settlement Conference counsel is to provide only education and assistance in the Settlement Conference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

06-12-08

Date

Willie Lee McNeill

Signature

WILLIE LEE McNEILL

Name (Printed)